

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VICTORIA NYC I INC d/b/a RX2GO,

Plaintiff,

-against-

DGN PHARMACY INC. d/b/a PERSONALRX,

Defendant.

Case No.: 1:25-cv-975 (KAM) (MMH)

**DECLARATION IN SUPPORT OF
MOTION FOR DEFAULT
JUDGMENT AGAINST DEFENDANT**

EMANUEL KATAEV, ESQ., declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and before this Court, and am also the managing member of Sage Legal LLC, attorneys of record for Plaintiff Victoria NYC I Inc d/b/a Rx2Go in this case.
2. I submit this affidavit in support of Plaintiff's renewed motion for an entry of default judgment against DGN Pharmacy Inc. d/b/a PersonalRx (hereinafter the "Defendant" or "PersonalRx") due to its failure to appear and answer the complaint.
3. I have personal knowledge of the facts set forth below based on my review of the file and conversations with my client.
4. Plaintiff seeks the entry of default judgment against Defendant on account of its erstwhile failure to file an Answer to Plaintiff's Complaint, dated February 20, 2025, in which Plaintiff asserted against Defendant causes of action for breach of contract, unjust enrichment, account stated, *quantum meruit*, and fraud. See ECF Docket Entry [1](#).
5. On February 28, 2025, Plaintiff caused Defendant to be served via Secretary of State. See ECF Docket Entry [6](#).

6. Defendant had thirty (30) days from receipt of service to respond, it has not done so, and his time to respond has elapsed.

7. This court has jurisdiction over Defendant because, at all relevant times, it transacted business within this judicial district.

8. This court has subject matter jurisdiction over Plaintiff's claims under 28 U.S.C. § 1332 based on diversity jurisdiction and supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1337.

9. Venue is proper in this judicial district for the reasons stated in Paragraph 7 above.

10. Plaintiff previously requested this certificate of default but it was denied because the request required a "certificate of service be accompanied with the request showing that the foregoing documents have been personally served on, or mailed to the last known residence (for an individual defendant) or business address (for other defendants) of, the party against whom default is sought."

11. On May 27, 2025, a copy of the summons and complaint was mailed to the last known business address of PersonalRx. See copy of affirmation of service annexed hereto as **Exhibit A.**

12. For the foregoing reasons, Plaintiff's request for a certificate of default should be granted.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 29, 2025.

/s/ Emanuel Kataev, Esq.
EMANUEL KATAEV, ESQ.